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REMARKS

Claims 1, 3-8, 10, 12-17, 95-96 stand amended herein and new claims 102-103 are herewith presented.

Applicant respectfully solicits entry and favorable consideration of the amendments and remarks tendered herewith so that the presently claimed invention may proceed to timely issuance as U.S. Letters Patent.

The pending, previously presented claims stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,549,717 to Takeuchi et al. ("Takeuchi") in view of U.S. Patent No. 5,439,760 to Howard et al. ("Howard"). Applicant asserts that following entry of this amendment this ground of rejection stands traversed.

In the September 3, 2003 Advisory Action, the Examiner rejects Applicants arguments filed August 19, 2003 that Howard supports the claimed limitation of the anode current collector being shorter in length than the alkali strip metal. In particular, the Examiner states that the while Howard is concerned with the relative lengths of the cathode assembly and the anode assembly (i.e., the anode assembly is longer than the cathode assembly), nothing in Howard implies that the alkali strip 15 is longer than the anode current collector 5. Applicant respectfully disagrees. While column 6, lines 46-65, described by Applicant as teaching that the alkali strip 15 of Howard is longer than the anode collector 5, is concerned with the relative lengths of the cathode assembly and the anode assembly, it is also concerned with the importance of having the alkali metal layer 15 facing the cathode material. If the anode current collector 5 were not shorter than the alkali strip 15, i.e., the current collector 5 was longer than the alkali strip 15, the result would be that the current collector 5 would face the cathode material, contrary to what Howard expressly teaches. As a result, it is respectfully asserted that Howard teaches that the alkali metal layer 15 is longer than the current collector 5.

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In addition, Applicant respectfully asserts that Howard expressly supports the notion of a relatively shorter anode current collector by simply application of principles of claim interpretation. For example, claim 3 which directly depends from claim 2 and indirectly depends from independent claim 1 is supported by the following recitation (describing a so-called preferred embodiment):

For example, the anode preferably also includes an anode current collector which is bonded on a first side to a length of reactive anode metal having a uniform thickness and on a second side to a second, shorter length of reactive anode metal having a uniform thickness.

Of course, it is axiomatic that described elements of such preferred embodiments cannot be imported to a claim during claim interpretation. However, Applicant suggest that the foregoing (among others) supports a claim interpretation wherein the current collector is wholly surrounded by "a length" and "a second, shorter length" of reactive anode metal material, and thus, by definition, the length of the anode current collector is less than the length, and the second length, respectively, of the reactive material. To further buttress this interpretation Applicant note that said claim 3 directly claims the foregoing combination, to wit:

3. An electrode assembly according to claim 2 wherein the anode current collector is bonded on a first side to a length of alkali metal having a uniform thickness and on a second side to a second length of alkali metal having a uniform thickness. (emphasis added.)

Therefore, it is respectfully asserted that Howard does teach the anode current collector being shorter than the alkali metal layer, and the Examiner's prior assertion that the instant claims are not entitled to the filing date of Howard is in error, and therefore reliance on the parent Howard patent for teaching the

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claimed invention is erroneous. In addition, since the instant claims are entitled to the filing date of the Howard patent, Takeuchi is not applicable because it is predicated by Howard. Furthermore, Applicant is fully prepared to offer affidavit(s) in support of the position that Takeuchi fails to disclose, claim, illustrate or teach any aspect of the invention claimed herein. That is, among other aspects of Takeuchi, the statement that "current collector 68 has a length slightly less than the length of lithium strip 66 and a width somewhat less than the width of strip 66" adds nothing to the body of relevant prior art wherein the anode current collector was positioned so as not to protrude from the reactive (e.g., lithium) strip.

Accordingly, there are no teachings of the present invention in the prior art and it is therefore respectfully requested that the rejections be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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